

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2004 OCT 8 PM 4 03

LINDA HUNT,

Plaintiff,

v.

MORRISON SALES AND
SERVICE, INC., GENERAL
MOTORS, CORP.

Defendants.

CLERK
BY 
DEPUTY CLERK
Civil Action No. 318-9-04

2:04-cv-270

NOTICE OF REMOVAL

NOW COMES Defendant General Motors, Corp. ("General Motors") by and through its undersigned counsel, and hereby gives Notice of the Removal of the above-referenced action from the Superior Court of Vermont, Bennington County, to this Court. The removal of this case to federal court is based on 28 U.S.C. §§ 1332(a), 1332(c)(1), and 1446:

1. On or about September 10, 2004, CT Systems of Essex Junction, Vermont, acting as registered agent for General Motors, received by regular mail a Waiver of Service of Summons and Complaint, in connection with an action by Plaintiff, in the Superior Court of Vermont, Bennington County (the "State Court Action"). (A true and correct copy of the documents received by General Motor's is attached hereto as Exhibit A).
2. General Motors is filing this Notice of Removal within 30 days after it received the initial pleadings in this action in accordance with 28 U.S.C. 1446(b).
3. This petition is based upon diversity jurisdiction under 28 U.S.C. §§ 1332(a) and (c)(1).

Dinse,
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209 Battery Street
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Burlington, VT 05402-0988
(802) 864-5751

4. Pursuant to 28 U.S.C. § 1332(c)(1), a corporation shall be deemed a citizen of any state by which it is incorporated and of the state where it has its principal place of business.

5. Defendant General Motors is a Delaware corporation with its principal place of business in Detroit, Michigan.

6. Defendant Morrison Sales, as alleged in the Complaint, is believed to be a Vermont corporation with its principal place of business in Bennington, Vermont.

7. Plaintiff, as alleged in the Complaint, is a resident of Buskirk, New York.

8. Plaintiff alleges in her Complaint damages of \$275,000, which exceeds the statutory amount in controversy under 28 U.S.C. § 1332(a) (\$75,000).

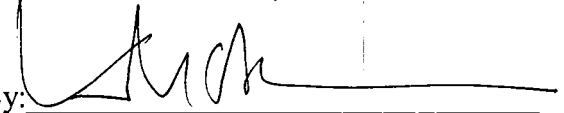
WHEREFORE, General Motors respectfully request this Court to order:

A. That the above referenced case pending before the Bennington Superior Court bearing docket number 318-9-04, is removed to this Court; and

B. Such further and other relief as may be just under the circumstances.

Respectfully submitted,

GENERAL MOTORS, CORP.

By: 

Karen McAndrew
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402-0988
(802) 864-5751

DATED: October 8, 2004

cc: Kerry G. Spradlin, Esq.

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OCT. 5. 2004 4:00PM THORN & GERSHON

STATE OF VERMONT
BENNINGTON COUNTY, SS.

LINDA HUNT,)	VERMONT SUPERIOR COURT
Plaintiff)	DOCKET NO. <u>318-9-04</u> Bncv
vs.)	
)	COMPLAINT FOR NEGLIGENCE
MORRISON SALES AND)	
SERVICE, INC., GENERAL)	
MOTORS CORPORATION,)	
Defendants)	

Now Comes the plaintiff, Linda Hunt, by and through counsel, Kerry G. Spradlin, and for her complaint against the defendants in the above-captioned case alleges the following:

Count I. Negligence of Morrison Sales and Service, Inc.

1. Plaintiff is a resident of Buskirk, Rensselaer County, New York
2. Defendant is a corporation, selling and servicing General Motors Corporation vehicles, with its principal place of business situated in the Town of Bennington, Bennington County, Vermont.
3. On July 13, 2001, plaintiff, following a recall notice by General Motors Corporation, took her 1989 Pontiac Grand Prix to Morrison Sales and Service for replacement of the vehicle's front cradle bolts. After the repairs were reportedly completed, plaintiff continued driving her vehicle.
4. On September 7, 2001, at approximately 9:20 PM, plaintiff was driving eastbound at highway speed on Interstate 787 in the Town of Colonie, Albany County, New York, when her steering suddenly failed and the vehicle hit a guardrail on the north side of the roadway.
5. As a result, plaintiff suffered great physical pain and mental anguish, incurred costs for medical treatment and anticipates permanent mental anguish and future medical costs as a result of the defendant's negligent repair/replacement of cradle bolts to her vehicle.

Count II. Negligence of General Motors Corporation

6. Plaintiff repleads paragraphs 1-5 of her Complaint.

FILED

SEP 08 2004

BENNINGTON SUPERIOR COURT
BENNINGTON, VT 05201

EXHIBIT


A

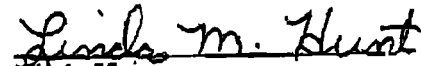
OCT. 5. 2004 4:00PM THORN & GERSHON

NO. 756 P. 7/9 05/07

7. Defendant is a corporation, doing business in the State of Vermont, with its headquarters situated in Detroit, Michigan.
8. Defendant manufactured plaintiff's 1989 Pontiac Grand Prix. The vehicle had defective cradle bolts which failed, resulting in plaintiff being seriously injured September 7, 2001.

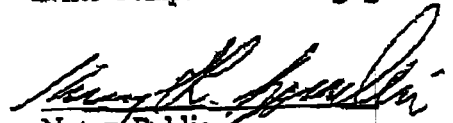
Wherefore plaintiff prays for compensatory damages against the defendants, and each of them as being jointly and severally liable in the amount of two hundred seventy five thousand (\$275,000) dollars.


Kerry G. Spradlin, Esq
Attorney for Linda Hunt
P.O. Box 1037
Rutland, Vermont 05701
(802) 747-1464


Linda Hunt

Bennington County
State of Vermont

Now on this 3rd day of September, 2004 there appeared before me, Linda Hunt, known to me, who gave oath to the truth of the facts set forth in her Complaint For Negligence.


Notary Public
My Commission Expires 2/10/07

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

LINDA HUNT)	REMOVED FROM
Plaintiff)	BENNINGTON SUPERIOR COURT
)	DOCKET NO. S0318-9-04 BnCv
v.)	
)	C.A. File No. _____
MORRISON SALES AND)	
SERVICE, INC. GENERAL)	
MOTORS CORPORATION)	
Defendants)	

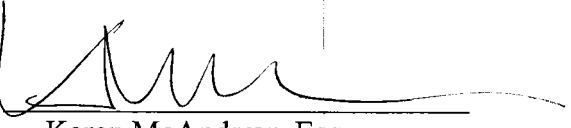
CERTIFICATE OF SERVICE

I, Karen McAndrew, hereby certify that a copy of Notice of Removal was served on the Plaintiff by forwarding a copy to the following counsel of record:

Kerry G. Spradlin, Esq.
P.O. Box 1037
Rutland, VT 05701-1037

Dated at Burlington, Vermont, this 8th day of October, 2004.

DINSE, KNAPP & McANDREW, P.C.

By: 
Karen McAndrew, Esq.
209 Battery St., P.O. Box 988
Burlington, VT 05402-0988

Cc: Bennington Superior Court

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